

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RIGOBERTO MARTINEZ ALVAREZ,

CASE NO. C18-1406RSM

Plaintiff,

V.

JIMMY TUNG REAL ESTATE INVESTMENTS,

MINUTE ORDER STRIKING MOTION TO
REOPEN AND PROPOSED AMENDED
COMPLAINT

Defendant.

The following MINUTE ORDER is made by direction of the Court, the Honorable Ricardo S. Martinez, Chief United States District Judge:

This action was dismissed on November 1, 2018, due to Plaintiff's failure to respond to the Court's October 3, 2018 Order to Show Cause. Dkt. #6. That Order noted that Plaintiff's Complaint did not establish that this Court had jurisdiction over the matter. Dkt. #6 at 2–3. On November 27, 2018, Plaintiff filed a motion requesting that the case be reopened, explaining his failure to comply with the Court's previous Order, and the expanding on the factual basis for his suit. Dkt. #7. Plaintiff also filed a new Proposed Amended Complaint purporting to be based on diversity jurisdiction. Dkt. #8.

Putting aside the untimeliness of Plaintiff's Motion, the Motion's failure to address the deficiencies identified in the Order to Show Cause, and the Motion's failure to identify a legal

1 basis for the relief requested, the Motion and Proposed Amended Complaint completely fail to
2 demonstrate that this Court has jurisdiction. Plaintiff's Proposed Amended Complaint gives
3 every indication that Plaintiff is domiciled in Washington—though he identifies himself only as
4 a "US Resident"—specifically identifies Defendant as a Washington citizen, and does not allege
5 a reasonable basis for concluding that that Plaintiff's contract claim for \$4,300 and other relief
6 actually involves an amount exceeding the Court's \$75,000 jurisdictional threshold. *See* 28
7 U.S.C. § 1332.
8

9 Because this action has already been dismissed and because nothing in Plaintiff's
10 untimely filings demonstrates that his dispute is within this Court's jurisdiction, the Court
11 STRIKES Plaintiff's Motion to Reopen (Dkt. #7) and Proposed Amended Complaint (Dkt. #8).
12 This matter remains CLOSED and the Clerk shall send a copy of this Order to P.O. Box 4331,
13 Seattle, WA 98194.

14 Dated this 28 day of November, 2018.
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16 WILLIAM McCOOL, Clerk
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18 By: /s/ Paula McNabb
19 Deputy Clerk
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